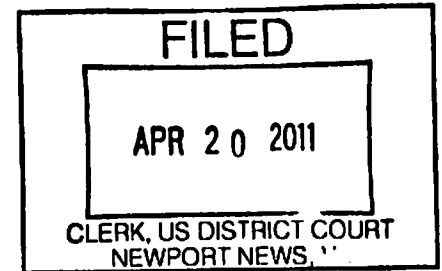


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division



WILLIAM PENN REAVIS, SR.,

Petitioner,

v.

Criminal Action No. 4:07cr75  
Civil Action No. 4:09cv157

UNITED STATES OF AMERICA,

Respondent.

**FINAL ORDER**

On December 14, 2009, William Penn Reavis, Sr. ("Petitioner"), a federal prisoner proceeding pro se, filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. In support of his motion, Petitioner advanced seven grounds for relief, each of which involves allegations that his counsel was ineffective. Specifically, Petitioner claimed that defense counsel (1) failed to raise a defense; (2) coerced him into entering a plea of guilty; (3) failed to inform him that the Presentence Investigation Report ("PSR") would affect his sentence; (4) misrepresented that the government would not challenge his objections to the PSR and request for a downward departure; (5) failed to note an exception to the court's ruling regarding his objections to the PSR; (6) failed to raise the issue of jurisdiction; and (7) failed to file a direct appeal as requested. In an Opinion and Order dated November 1, 2010, the court denied Petitioner's motion with respect to grounds one through six, and directed that an evidentiary hearing be held as to ground seven. This matter was then referred to Magistrate Judge Douglas E. Miller to conduct the hearing and prepare a Report and Recommendation ("R&R") regarding the disposition of ground seven. Petitioner's evidentiary hearing was held on February 14, 2011.

On March 23, 2011, Judge Miller filed a R&R recommending the denial of Petitioner's motion with respect to ground seven.

By copy of the R&R, each party was expressly advised of the right to file written objections to the Magistrate Judge's findings and recommendations within fourteen (14) days of the date the R&R was mailed. The parties were further advised that the district judge would make de novo determinations as to all matters to which timely objections were filed. This court has not, however, received written objections or any other responses or comments to the R&R from either party, and the time for filing such objections has clearly expired.


While this court is obligated to review de novo all portions of the R&R to which objections are filed, "the [c]ourt is not required to review the factual or legal conclusions of the Magistrate Judge as to those portions of the Report and Recommendation to which no objections are addressed." North Jefferson Square Assocs., L.P. v. Virginia Housing Dev. Authority, 94 F. Supp. 2d 709, 713 (E.D. Va. 2000); see also Thomas v. Arn, 474 U.S. 140, 149 (1985) (rejecting the petitioner's claim that, in the absence of objections to the R&R, "[a] district judge must still review the magistrate's report under some lesser standard").

Although it is under no obligation to do so, the court has reviewed the R&R in its entirety, and the court hereby **ADOPTS**, in full, the findings of fact and conclusions of law contained in the R&R. Accordingly, Petitioner's motion is **DENIED** with respect to ground seven. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting petitioner's conviction, nor a debatable procedural issue, a certificate of appealability is **DENIED**. See R. Governing § 2255 Proceedings in U.S. Dist. Cts. 11(a); Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003).

The court advises petitioner that he may seek a certificate of appealability from a circuit judge by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within sixty (60) days from the date of this Order.

The Clerk is **REQUESTED** to send a copy of this Order to Petitioner and to the United States Attorney's Office in Norfolk, Virginia.

**IT IS SO ORDERED.**

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/s/   
Jerome B. Friedman  
SENIOR UNITED STATES DISTRICT JUDGE

Norfolk, Virginia  
April 19, 2011